

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 877 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NAVADIYA ASHVINKUMAR

DHANJIBHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MID PATEL for Petitioner

MS PROMILA SAFAYA, for Respondent.

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 04/02/97

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, learned Standing Counsel for Central Government waives service of notice of rule on behalf of the respondent.

At the request of learned Advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Art.226 of the Constitution, the petitioner has prayed to direct the

respondent to grant fresh Passport with correctly date of birth as May 13, 1976 and to show correct name of the mother of the petitioner as KANKUBEN. The petitioner was granted Passport by the respondent. According to the petitioner, his correct date of birth is May 13, 1976 but in the Passport, date of birth was mentioned to be May 31, 1975 due to bona fide mistake of the petitioner. It is also averred in the petition that the correct name of the mother of the petitioner is KANKUBEN but in the Passport issued to the petitioner, name of his mother was shown to be SHANTABEN. The petitioner has claimed that the petitioner had applied to the respondent for issuance of fresh Passport and requested the respondent to correct the birth date as well as the name of the mother of the petitioner. The grievance made by the petitioner in present petition is that the request made by the petitioner is not entertained by the respondent. Under the circumstances, the petitioner has filed present petition and claimed relief to which reference is made earlier.

In support of averments made in the petition, the petitioner has produced School Leaving Certificate at Annexure B to the petition. It shows that the date of birth of the petitioner is May 13, 1976. Similarly, Birth Certificate produced by the petitioner at Annexure C to the petition which is issued by the competent authority indicates that the date of birth of the petitioner is May 13, 1976. The mother of the petitioner is also issued Passport wherein her name is shown to be KANKUBEN. Under the circumstances, following directions are issued :-

The respondent is hereby directed to act upon the School Leave Certificate and the Birth Certificate of the petitioner issued by the competent authority and process the issuance of fresh Passport in accordance with law and procedure which the respondent is required to follow. While issuing fresh Passport to the petitioner, name of the mother of the petitioner shall be shown as KANKUBEN.

Rule is made absolute in the aforesaid terms with no order as to costs. Direct service is permitted.

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